

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

April 18, 2001

#### One Hundred First Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:46 a.m.

The roll showed nineteen members present. Senator Pearce was excused from a call of the Senate.

The prayer was offered by the Chaplain, Major Nila Fankhauser of The Salvation Army. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Although we come from different walks of life, have different beliefs and different experiences, one thing that we do have in common is the gift of this day. This is the day that the Lord hath made, let us rejoice and be glad in it. Lord, we thank You for this gift, may we use it wisely. Lord, I pray that You will bless and direct all that transpires within these walls this day. Bless and guide each Senator. I pray that You will help them stay focused on those whom they serve, give clear direction, wisdom and the courage to do the right thing. I thank You for those who are dedicated to this important task. This day may each of us make a positive difference in our Great Land.  
Amen.

Senator Phillips led the Senate in the Pledge of Allegiance.

### Certification

Senator Leman moved and asked unanimous consent that the journal for the one hundredth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

### Messages from the House

#### HJR 22

Message dated April 17 was read, stating the House failed to concur in the Senate amendments to CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS) and respectfully requests the Senate to recede from its amendments, namely:

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 22(STA) am S Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to continue their conclusive investigation and requesting the criminal justice system to take rapid action to reach the determination of this case.

Senator Leman moved that the Senate recede from its amendments and recommended the body vote no.

The question being: "Shall the Senate recede from its amendments?"  
The roll was taken with the following result:

SCS CSHJR 22(STA) am S  
Shall the Senate Recede from its  
amendments to CSHJR 22(RLS)?

**YEAS: 8 NAYS: 11 EXCUSED: 1 ABSENT: 0**

Yeas: Davis, Ellis, Elton, Hoffman, Lincoln, Olson, Phillips, Torgerson

Nays: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Taylor, Therriault, Ward, Wilken

Excused: Pearce

and so, the Senate failed to recede from its amendments.

The President appointed the following members to a Conference Committee to meet with a like committee from the House:

Senator Ward, Chair  
Senator Kelly  
Senator Hoffman

The Secretary was requested to notify the House.

### **Standing Committee Reports**

Report dated April 17 was read, stating:

Dear President Halford:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee met to review the following, and recommends the appointments be forwarded to a joint session for consideration:

#### **Alcoholic Beverage Control Board**

Duane S. Udland - Anchorage  
Appointed: 03/27/01 Expires: 03/01/04

#### **Occupational Safety and Health Review Board**

The Honorable Cliff Davidson - Kodiak  
Appointed: 06/05/00 Reappointed 03/27/01 Expires 03/01/05

There were no stated objections to the confirmations of the named individuals by committee members. This report does not reflect intent by any of the members to vote for or against any candidates during any further sessions.

Signing the report: Senator Phillips, Chair, Senators Davis, Torgerson, Austerman, Leman.

**SB 184**

The Finance Committee considered SENATE BILL NO. 184 "An Act relating to user contributions toward the cost of construction of certain water and sewage facilities." Signing do pass: Senators Donley, Kelly, Cochairs, Senators Green, Ward, Leman. Signing do not pass: Senators Austerman, Hoffman, Olson. Signing no recommendation: Senator Wilken.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Environmental  
Conservation

The bill was referred to the Rules Committee.

**SB 123**

The Rules Committee considered SENATE BILL NO. 123 "An Act relating to legislative approval for the design and construction of facilities of the Alaska Railroad Corporation." Signing to calendar: Senator Cowdery, Vice Chair, Senators Phillips, Ellis, Therriault.

The bill is on today's calendar.

**SB 166**

The Rules Committee considered SENATE BILL NO. 166 "An Act relating to the time of filling by appointment a vacancy in the office of United States senator." Signing to calendar: Senator Cowdery, Vice Chair, Senators Therriault, Phillips. Signing under other recommendations: Senator Ellis.

The bill is on today's calendar.

**HB 13**

The Rules Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(JUD) "An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas" and recommended it be replaced with

SENATE CS FOR CS FOR SPONSOR  
SUBSTITUTE FOR HOUSE BILL NO. 13(RLS)

Signing to calendar: Senator Cowdery, Vice Chair, Senators Phillips, Therriault. Signing under other recommendations: Senator Ellis.

The following previous fiscal information applies:

Fiscal Note No. 1, zero, Department of Community and Economic Development

The bill is on today's calendar.

### **HB 118**

The Rules Committee considered HOUSE BILL NO. 118 "An Act relating to a mandatory exemption from municipal taxes on certain residences; and providing for an effective date." Signing to calendar: Senator Cowdery, Vice Chair, Senators Therriault, Ellis. Signing no recommendation: Senator Phillips.

The bill is on today's calendar.

## **Consideration of the Calendar**

### **Second Reading of Senate Bills**

### **SB 123**

SENATE BILL NO. 123 "An Act relating to legislative approval for the design and construction of facilities of the Alaska Railroad Corporation" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 1091. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 123(FIN) "An Act relating to the program of federally funded construction projects of the Alaska Railroad Corporation" was adopted and read the second time.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 123 (FIN) was read the third time.

Senator Donley offered Title Amendment No. 1:

Page 1, line 1:

Delete "**federally funded**"

Senator Donley moved for the adoption of Title Amendment No. 1. Without objection, Title Amendment No. 1 was adopted.

The question being: "Shall CS FOR SENATE BILL NO. 123(FIN) (title am) "An Act relating to the program of construction projects of the Alaska Railroad Corporation" pass the Senate?" The roll was taken with the following result:

CSSB 123(FIN)(title am)  
Third Reading - Final Passage

**YEAS: 14 NAYS: 5 EXCUSED: 1 ABSENT: 0**

Yeas: Austerman, Cowdery, Donley, Ellis, Green, Halford, Kelly, Leman, Olson, Phillips, Taylor, Therriault, Ward, Wilken

Nays: Davis, Elton, Hoffman, Lincoln, Torgerson

Excused: Pearce

and so, CS FOR SENATE BILL NO. 123(FIN)(title am) passed the Senate.

Senator Ellis gave notice of reconsideration.

**SB 166**

SENATE BILL NO. 166 "An Act relating to the time of filling by appointment a vacancy in the office of United States senator" was read the second time.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

SB 166

Advance from Second to Third Reading?

**YEAS: 13 NAYS: 6 EXCUSED: 1 ABSENT: 0**

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Davis, Ellis, Elton, Hoffman, Lincoln, Olson

Excused: Pearce

and so, the bill failed to advance to third reading.

SENATE BILL NO. 166 will be on the April 19 calendar.

### **Second Reading of House Bills**

#### **HB 13**

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(JUD)  
"An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas" was read the second time.

Senator Cowdery, Vice Chair, moved and asked unanimous consent for the adoption of the Rules Senate Committee Substitute offered on page 1162. Senator Ellis objected, then withdrew his objection. There being no further objections, SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(RLS) was adopted and read the second time.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the bill be advanced to third reading?" The roll was taken with the following result:

SCS CSSSHB 13(RLS)

Advance from Second to Third Reading?

**YEAS: 13 NAYS: 6 EXCUSED: 1 ABSENT: 0**

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Davis, Ellis, Elton, Hoffman, Lincoln, Olson

Excused: Pearce

and so, the bill failed to advance to third reading.

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(RLS) will be on the April 19 calendar.

**HB 118**

HOUSE BILL NO. 118 "An Act relating to a mandatory exemption from municipal taxes on certain residences; and providing for an effective date" was read the second time.

Senator Leman moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 118 was read the third time.

Senators Ellis, Therriault, Davis, Lincoln, Elton, Kelly moved and asked unanimous consent to be shown as cross sponsors on the bill. Without objection, it was so ordered.

The question being: "Shall HOUSE BILL NO. 118 "An Act relating to a mandatory exemption from municipal taxes on certain residences; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

HB 118  
Third Reading - Final Passage  
Effective Date

**YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0**

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Pearce

and so, HOUSE BILL NO. 118 passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

#### **Citations**

In Memoriam – Dolly P. Jensen  
Representative(s) Williams  
Senator(s) Taylor, Wilken, Austerman, Lincoln, Kelly, Davis, Green, Elton, Pearce, Ward

Senator Leman moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

#### **Unfinished Business**

Senator Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, from May 16 through May 21. Without objection, Senator Wilken was excused.

Senator Lincoln moved and asked unanimous consent to be excused from a call of the Senate on April 20 and April 25. Without objection, Senator Lincoln was excused.

**Announcements**

Announcements are at the end of the journal.

**Adjournment**

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 19, 2001. Without objection, the Senate adjourned at 12:37 p.m.

Heidi Vogel  
Secretary of the Senate

April 2001

**Announcements**

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

**STANDING COMMITTEES**

+ indicates teleconference  
 = indicates bill previously heard/scheduled

**COMMUNITY & REGIONAL AFFAIRS**

**Apr 18 Wednesday Fahrenkamp 203 1:30 PM**  
 += HB 16 HOME RULE COMMUNITIES

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**FINANCE**

**Apr 18 Wednesday Senate Finance 532 9:00 AM**  
 SB 184 CONSTRUCTION OF WATER & SEWAGE FACILITIES  
 SB 185 PCE BASED ON HIGHEST COST  
 SB 148 REMOTE WATER STORAGE FOR FIRE DEPARTMENTS  
 Bills Previously Heard/Scheduled

**Apr 19 Thursday Senate Finance 532 9:00 AM**  
 SB 181 SMALL COMMUNITY HOUSING LOANS  
 SB 145 VILLAGE PUB.SAFETY OFFICER PROGRAM  
 HB 81 DENTISTS/DENTAL HYGIENISTS & ASSISTANTS  
 Bills Previously Heard/Scheduled

**Apr 20 Friday Senate Finance 532 9:00 AM**  
 SB 86 TEACHER EMPLOYMENT & SUBJECT EXPERTISE  
 SB 186 LIMIT MUNICIPAL G.O.BOND DEBT  
 Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Apr 18      Wednesday                      Butrovich 205              1:30 PM**  
+                      Continuation- Medicaid Directions:  
                         Alzheimer's/Dementia  
                         School-based Claims  
                         Medicaid Refinancing  
+    SJR 26    FEDERAL AID FOR SPECIAL EDUCATION  
+    SB 188    EDUCATION FUND/ LAND ENDOWMENT  
+    SJR 25    CONST. AM: EDUCATION FUND  
                         Bills Previously Heard/Scheduled

**Apr 20      Friday                                      Butrovich 205              1:30 PM**  
+                      Continuation- Medicaid Directions  
+    HB 162    ABSENCES UNDER LONGEVITY BONUS PROGRAM  
+    SB 178    DETENTION OF DELINQUENT MINORS  
                         Bills Previously Heard/Scheduled

**JUDICIARY**

**Apr 18      Wednesday                              Beltz 211                  1:30 PM**  
+    SJR 11    CONST AM: PERM FUND INCOME DISTRIBUTION  
+                      Confirmation:  
                         Alaska Judicial Council- Eleanor Andrews  
+                      Bills Previously Heard/Scheduled

**Apr 20      Friday                                      Beltz 211                  1:30 PM**  
+    HB 32    SEX CRIME AND PORNOGRAPHY FORFEITURES  
+=   SB 161    NO PAY FOR JUDGES UNTIL DECISION  
+                      Bills Previously Heard/Scheduled

**LABOR & COMMERCE**

**Apr 19      Thursday                                      Beltz 211                  1:30 PM**  
+    SB 176    DISTRIBUTORSHIPS  
+    SB 189    MOTOR VEHICLE SALES AND DEALERS  
+=   SB 168    COMMERCIAL FISHING LOAN PROGRAM  
+                      Bills Previously Heard/Scheduled

**RESOURCES**

**Apr 18 Wednesday Butrovich 205 3:30 PM**  
 + Governor's Confirmations:  
 AK CFEC- Bruce C. Twomley  
 Board of Game- William H. Dennerlein,  
 Ben Grussendorf, Dr. Julie Maier  
 AK Oil and Gas Conservation-Julie Heusser

**Apr 20 Friday Butrovich 205 3:30 PM**  
 += SB 153 UNDERGROUND STORAGE TANK LOAN FUND  
 += SB 115 EXTEND BD. OF STORAGE TANK ASSISTANCE  
 + HB 111 CIVIL LIABILITY AND LIVESTOCK

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**RULES**

**Apr 18 Wednesday Fahrenkamp 203 10:45 AM**  
 = SB 123 LEGISLATIVE APPROVAL:RAILROAD FACILITIES  
 = SB 166 APPOINTMENT OF US SENATORS  
 SJR 22 CONST. AM: JUDICIAL OFFICERS' TERMS  
 = HB 13 SERVICE AREAS:VOTER APPROVAL/TAX ZONES  
 HB 118 SR. CIT./VETERAN PROPERTY TAX EXEMPTION

**Apr 19 Thursday Fahrenkamp 203 10:45 AM**  
 SB 50 EXTENDING BOARD OF VETERINARY EXAMINERS

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**STATE AFFAIRS**

**Apr 19 Thursday Beltz 211 3:30 PM**  
 += HB 177 CAMPAIGN FINANCE: GROUPS & DISCLOSURE  
 SB 193 STUDY: EFFECTS OF PERMANENT FUND DIVIDEND  
 SB 187 ABSENTEE VOTING STATIONS  
 Bills Previously Heard/Scheduled

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**JOINT COMMITTEES****ADMINISTRATIVE REGULATION REVIEW**

**Apr 24**      **Tuesday**                              **Capitol 102**              **2:45 PM**  
 +              Proposed/Approved Regulations  
 +              Mariculture Regulations  
 +              Department on Pioneer Homes

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**CONFERENCE COMMITTEES ON HB 103 & HB 104**

**Apr 19**      **Thursday**                              **Senate Finance 532**              **3:00 PM**  
 =    HB 103    APPROP: OPERATING BUDGET  
 =    HB 104    APPROP: MENTAL HEALTH BUDGET  
          Alaska Court System  
          Dept of Fish and Game  
          Dept of Labor and Workforce Development  
          Dept of Law  
          Dept of Natural Resources  
          Dept of Revenue

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**OTHER MEETINGS****CHILDREN'S CAUCUS**

**Apr 24**      **Tuesday**                              **Fahrenkamp 203**              **12:00 PM**  
 +              Alaska Humanities Forum:  
          Intrastate Urban/Rural Student Exchange

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**FISCAL POLICY CAUCUS**

**Apr 20**      **Friday**                                      **Butrovich 205**              **8:00 AM**